THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.11089 OF 1996

ORAL ORDER:

This writ petition is filed questioning the order passed by the 2nd respondent dated 29.12.1995, confirming the order of the 3rd respondent dated 5.11.1980.

The petitioner claims title and possession to the land to an extent of Ac.16.50 cents situated in Anthrvadigudem village in West Godavari District, which was part of erstwhile Gutala Zamin estate. It is claimed that the said land was purchased by his father under a registered sale deed executed by one Maddipati Nageswara Rao. However, the estate was taken over by the Government on 4.2.1953 under the provisions of the Andhra Pradesh Estates (Abolition and Conversion into Ryotwari) Act, 1948 and in the *suo motu* enquiry conducted by the Settlement Officer, Eluru, under Section 9 of the A.P. Scheduled Areas Ryotwari Settlement Regulation, 1970, the request of the petitioner's father for grant of a ryotwari patta was rejected by order dated 30.3.1977. The appeal preferred to the Director of Settlements, Andhra Pradesh, Hyderabad, was also dismissed by order, dated 5.11.1980.

Subsequently, the Special Deputy Collector (Tribal Welfare), Eluru, initiated proceedings for eviction under the provisions of the A.P. Scheduled Areas Land Regulation 1 of 1959. After a detailed enquiry, the said proceedings were dropped and the Special Deputy Collector, by order dated 30.4.1995 held that the possession of the petitioner was not in violation of Regulation 1 of 1959.

In the meanwhile, the petitioner preferred revision petition against the order of the Director of Settlement dated 5.11.1980, but the same was dismissed by the Commissioner of Survey and Settlements and Land Records, Andhra Prdesh, Hyderabad, by order dated 29.12.1995, rejecting the claim of the petitioner for grant of ryotwari

patta to an extent of 6.67 cents situated in R.S.No.210. However, so far as the land to an extent of Ac.9.17 cents situated in R.S.No.217 is concerned, the matter was remanded to the Revenue Divisional Officer, Kovvur, who is the Settlement Officer, for fresh enquiry. The said order passed by the Commissioner of Survey and Settlement dated 29.12.1995 is under challenge in this writ petition.

I have heard the learned counsel for the petitioner as well as the learned Government Pleader, appearing for the respondents.

The only contention raised by the petitioner is that since the proceedings for eviction initiated under Regulation 1 of 1959 were disallowed by the Special Deputy Collector, Tribal Welfare, the 2nd respondent ought to have allowed the revision petition granting ryotwari patta to the entire land. It is contended that while considering the request of the petitioner for grant of ryotwari patta, the respondents ought not to have ignored the order passed by the competent authority under Regulation 1 of 1959.

The law is well-settled that the provisions of Regulation II of 1970 shall have effect notwithstanding anything inconsistent for the time being in force and the order, if any, passed under Regulation 1 of 1959 is not binding. The 2nd respondent having taken into consideration the relevant provisions under Regulation 1 of 1959 as well as Regulation II of 1970 has rightly held that the mere fact that the proceedings initiated under Regulation 1 of 1959 were dropped, cannot be a ground to nullify the concurrent findings recorded by the respondents 3 and 4. Even on merits, the 2nd respondent had observed that the evidence on record reveals that the claimant was a non-tribal and that he failed to satisfy continuous possession and occupation of the scheduled land from 16.2.1959. Having considered the validity of the sale deed, which was marked as Ex.P.1, it was held that the purchase from M. Nageswara Rao was void under Section 7(2) of Regulation II of 1970. The said conclusions arrived at by the 1st respondent are in accordance with the settled principles of law and based on proper

appreciation of the material on record. Hence, interference by this Court is not warranted.

The writ petition is accordingly dismissed. No costs.

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(G. ROHINI, J.)

10th October, 2006.
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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.11089 OF 1996

10th October, 2006.

Between:

Y. Dharma Raju. .. Petitioner.

And

State of A.P. represented by its Secretary
Revenue Department, Secretariat Buildings,
Hyderabad and others. .. Respondents.